

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-10776-GAO

In re LAWRENCE E. CUDDY, JR. and
BETSY J. GRAF CUDDY,
Debtors.

DANVERS SAVINGS BANK,
Plaintiff,

v.

LAWRENCE E. CUDDY, JR.,
Defendant.

ORDER
July 7, 2005

O'TOOLE, D.J.

Donald H. Adler, Esq., Thomas G. Nicholson, Esq., and the firm of Finneran and Nicholson, P.C. (the "Appellants") have filed a motion for leave to appeal the interlocutory order of the bankruptcy court denying their motion to withdraw from their representation of Lawrence E. Cuddy, Jr. (Dkt. No. 1), as well as an emergency motion to stay proceedings in the bankruptcy court pending their appeal to this Court (Dkt. No. 5).

In support of these motions, the Appellants have submitted memoranda of law with legal citations and copies of appeals court decisions, the bankruptcy court's March 24, 2005 written opinion, the transcript of the June 8, 2005 hearing before the bankruptcy court on the Appellants' motion for stay pending appeal, the fee agreement between Lawrence E. Cuddy, Jr. and Finneran & Nicholson, P.C., and an affidavit of Thomas G. Nicholson, Esq. Having considered this *de facto* record on appeal, it is clear that the bankruptcy judge acted within the proper range of his discretion

in denying the motion to withdraw. He wrote a careful opinion explaining the reasons for his decision. The mere possibility that another judge might make a different decision does not establish any abuse of discretion. Accordingly, it is apparent that the appeal lacks merit, and it is unnecessary and wasteful to require further briefing or oral argument. The motion for leave to appeal is DENIED. Consequently, the emergency motion to stay is MOOT.

It is SO ORDERED.

July 7, 2005
DATE

George J. W. J.
DISTRICT JUDGE